



Testimony on S.212  
Home Detention and Home Confinement Furlough Bill  
House Committee on Corrections and Institutions  
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Thank you for the opportunity to testify about this legislation before your Committee. S.212 provides several important protections for crime victims, namely, additional court oversight and victim notification when an offender is released into the community as an alternative to incarceration, as well as victim notification when an offender's allowed absences are modified. Additionally, the Center has concerns about the proposed framework for expanding the Windham County Sheriff's Office Electronic Monitoring Program.

### **A Challenge to Consider**

While felony filings in Vermont are decreasing overall, the Judiciary reported for FY15 that domestic violence felony filings in Vermont continue to increase each year—up 4% from FY14 and up a total of 18% over the past five years.<sup>1</sup>

### **Potential Hidden Costs of Community-Based Detention**

Pre-trial home detention and post-conviction home confinement furlough necessarily shift the risk of re-offense from the correctional facility back to the community.

- Victims must be proactive to plan for their safety and well-being—as well as the safety and well-being of their families—and may be required to alter their daily routines and schedules to avoid coming into contact with the offender. As a result, victims may require advocacy services, legal services,

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<sup>1</sup> According to the Judiciary, 481 domestic violence felonies were filed in Vermont in FY15.

emergency or transitional housing, and may experience employment consequences.

- Because law enforcement and the Department of Corrections have finite resources for monitoring offenders' whereabouts and enforcing release conditions, victims often bear the responsibility of reporting and gathering evidence of violations. In rural parts of the state, law enforcement patrols and check-ins may be even more infrequent.
- It is not uncommon for victims to report firearms possession violations, despite prior violations being reported or court orders requiring alternative storage.

### **Mitigating the Risk**

Risk can be mitigated where:

- institutional supports are put in place, both for the offender and for the victim
- release conditions carefully delineate boundaries and expectations, with specific days, times, and geographic locations where appropriate
- the victim has advance notification of release conditions, as well as advance notification of any subsequent modifications or boundary violations
- violations are enforced swiftly and consistently

### **Striking the Balance**

By putting additional safeguards and resources in place, the Legislature can help ease the hidden costs and burdens of community supervision, as follows:

Court Oversight (Page 6, (c)(2) and Page 11 (2)):

In listed crime cases, providing victims with prior notification of approved absences from home that specify the day, time, purpose, and duration of the absence will ensure that victims can safety plan for themselves and keep the offender accountable. Likewise, S.212 requires victims to have advance notification as to any modifications.

Non-Compliance Warning (Page 8, (c)):

The Center would like the provision regarding "Failure to Comply" to be permissive so that enforcement of conditions of release does not depend upon a Court colloquy.

Incremental Expansion of Electronic Monitoring Efforts (Page 11, Sec. 6):  
As a general matter, the Center supports incremental expansion of efforts to enforce conditions of release that pertain to geographic boundaries, so long as victim safety needs are addressed. The Center applauds Sheriff Clark's efforts to bring electronic monitoring to Southern Vermont, as well as his pro-active approach to working with victims and victim advocates. Sheriff Clark clearly has expended much time and effort to engage the community in his work, and by and large, his approach has allowed many victims to live more securely in their communities.

**Nonetheless, the Center is concerned that S.212's current language would expand the Windham County Sheriff's Office authority statewide and delegate the Legislature's authority to establish policies and procedures for the expansion, as well as the authority to determine whether other county sheriffs' offices are properly trained, equipped, and staffed to assume this important responsibility. *For electronic monitoring to be effective and keep victims of violent crimes safe, details matter:***

- Technology: Data collection devices are not enough in higher-risk cases; the electronic monitoring device should provide real-time data transmission to ensure timely victim notification of boundary violations.
- Cell Coverage: Electronic monitoring in higher risk victim cases only works if the geographic zones identified in the conditions of release have cell coverage.
- Stakeholder Collaboration and Buy-In: Part of what has made Sheriff Clark's work so successful has been his commitment to stakeholder participation in a county that already has a strong network of support services for victims and offenders.
- Victim Communication/Notification: Transparent written protocols for victim communication and notification are essential for safety planning and peace of mind.
- In-Person Monitoring of Non-Geographic Conditions of Release: Firearms, alcohol, and no-contact violations cannot be monitored electronically and require in-person site visits.

The Center encourages your Committee to limit statewide expansion until formal policies and procedures can be established through a legislative or stakeholder process. Thank you.